

By: Brown of Kaufman, Berman, Bohac, Riddle,
et al.

H.B. No. 218

A BILL TO BE ENTITLED

1 AN ACT

2 relating to requiring a voter to present proof of identification.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 63.001, Election Code, is amended by
5 amending Subsections (b), (c), (d), and (f) and adding Subsection
6 (g) to read as follows:

7 (b) On offering to vote, a voter must present to an election
8 officer at the polling place the voter's voter registration
9 certificate and either:

10 (1) one form of identification listed in Section
11 63.0101(a); or

12 (2) two different forms of identification listed in
13 Section 63.0101(b) [to an election officer at the polling place].

14 (c) On presentation of the documentation required by
15 Subsection (b) [a registration certificate], an election officer
16 shall determine whether the voter's name on the registration
17 certificate is on the list of registered voters for the precinct.

18 (d) If the voter's name is on the precinct list of
19 registered voters and the voter's identity can be verified from the
20 proof presented, the voter shall be accepted for voting.

21 (f) After determining whether to accept a voter, an election
22 officer shall return the voter's documentation [~~registration~~
23 ~~certificate~~] to the voter.

24 (g) If the requirements for identification prescribed by

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1 Subsection (b) are not met, the voter may be accepted for
2 provisional voting only under Section 63.011.

3 SECTION 2. Section 63.006(a), Election Code, is amended to
4 read as follows:

5 (a) A voter who, when offering to vote, presents a voter
6 registration certificate indicating that the voter is currently
7 registered in the precinct in which the voter is offering to vote,
8 but whose name is not on the precinct list of registered voters,
9 shall be accepted for voting if the voter's identity can be verified
10 from the proof presented.

11 SECTION 3. Section 63.007(a), Election Code, is amended to
12 read as follows:

13 (a) A voter who, when offering to vote, presents a voter
14 registration certificate indicating that the voter is currently
15 registered in a different precinct from the one in which the voter
16 is offering to vote, and whose name is not on the precinct list of
17 registered voters, shall be accepted for voting if the voter's
18 identity can be verified from the proof presented and the voter
19 executes an affidavit stating that the voter:

20 (1) is a resident of the precinct in which the voter is
21 offering to vote or is otherwise entitled by law to vote in that
22 precinct;

23 (2) was a resident of the precinct in which the voter
24 is offering to vote at the time that information on the voter's
25 residence address was last provided to the voter registrar;

26 (3) did not deliberately provide false information to
27 secure registration in a precinct in which the voter does not

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1 reside; and

2 (4) is voting only once in the election.

3 SECTION 4. Section 63.008(a), Election Code, is amended to
4 read as follows:

5 (a) A voter who does not present a voter registration
6 certificate when offering to vote, but whose name is on the list of
7 registered voters for the precinct in which the voter is offering to
8 vote, shall be accepted for voting if the voter executes an
9 affidavit stating that the voter does not have the voter's voter
10 registration certificate in the voter's possession at the polling
11 place at the time of offering to vote and the voter's identity can
12 be verified from the proof presented [~~voter presents proof of~~
13 ~~identification in a form described by Section 63.0101~~].

14 SECTION 5. Section 63.0101, Election Code, is amended to
15 read as follows:

16 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

17 (a) The following documentation is an acceptable form [~~as proof~~] of
18 photo identification under this chapter:

19 (1) a driver's license or personal identification card
20 issued to the person by the Department of Public Safety that has not
21 expired or that expired no earlier than two years before the date of
22 presentation [~~or a similar document issued to the person by an~~
23 ~~agency of another state, regardless of whether the license or card~~
24 ~~has expired~~];

25 (2) a United States military identification card that
26 contains the person's photograph [~~form of identification~~
27 ~~containing the person's photograph that establishes the person's~~

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1 ~~identity~~];

2 (3) a valid employee identification card that contains
3 the person's photograph and is issued by an employer of the person
4 in the ordinary course of the employer's business [~~birth~~
5 ~~certificate or other document confirming birth that is admissible~~
6 ~~in a court of law and establishes the person's identity~~];

7 (4) a United States citizenship certificate [~~papers~~]
8 issued to the person that contains the person's photograph;

9 (5) a United States passport issued to the person;

10 (6) a student identification card issued by a public
11 or private institution of higher education located in Texas that
12 contains the person's photograph [~~official mail addressed to the~~
13 ~~person by name from a governmental entity~~]; or

14 (7) a license to carry a concealed handgun issued to
15 the person by the Department of Public Safety.

16 (b) The following documentation is acceptable as proof of
17 identification under this chapter:

18 (1) a copy of a current utility bill, bank statement,
19 government check, paycheck, or other government document that shows
20 the name and address of the voter;

21 (2) official mail addressed to the person by name from
22 a governmental entity;

23 (3) a certified copy of a birth certificate or other
24 document confirming birth that is admissible in a court of law and
25 establishes the person's identity;

26 (4) United States citizenship papers issued to the
27 person;

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1 (5) an original or certified copy of the person's
 2 marriage license or divorce decree;

3 (6) court records of the person's adoption, name
 4 change, or sex change;

5 (7) an identification card issued to the person by a
 6 governmental entity of this state or the United States for the
 7 purpose of obtaining public benefits, including veteran's
 8 benefits, Medicaid, or Medicare;

9 (8) a temporary driving permit issued to the person by
 10 the Department of Public Safety;

11 (9) a pilot's license issued to the person by the
 12 Federal Aviation Administration or another authorized agency of the
 13 United States;

14 (10) a library card that contains the person's name
 15 issued to the person by a public library located in this state; or

16 (11) a hunting or fishing license issued to a person by
 17 the Parks and Wildlife Department ~~or~~

18 ~~[(8) any other form of identification prescribed by~~
 19 ~~the secretary of state].~~

20 SECTION 6. Section 63.011(a), Election Code, is amended to
 21 read as follows:

22 (a) A person to whom Section 63.001(g), 63.008(b), or
 23 63.009(a) applies may cast a provisional ballot if the person
 24 executes an affidavit stating that the person:

25 (1) is a registered voter in the precinct in which the
 26 person seeks to vote; and

27 (2) is eligible to vote in the election.

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1 SECTION 7. Section 521.422, Transportation Code, is amended
2 by amending Subsection (a) and adding Subsection (d) to read as
3 follows:

4 (a) Except as provided by Subsection (d), the ~~The~~ fee for
5 a personal identification certificate is:

- 6 (1) \$15 for a person under 60 years of age;
7 (2) \$5 for a person 60 years of age or older; and
8 (3) \$20 for a person subject to the registration
9 requirements under Chapter 62, Code of Criminal Procedure.

10 (d) The department may not collect a fee for a personal
11 identification certificate issued to a person who executes an
12 affidavit stating that the person is financially unable to pay the
13 required fee and:

- 14 (1) who is a registered voter in this state and
15 presents a valid voter registration certificate; or
16 (2) who is eligible for registration under Section
17 13.001, Election Code, and submits a registration application to
18 the department.

19 SECTION 8. This Act takes effect September 1, 2007.

BILL ANALYSIS

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By: Brown, Betty
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, to vote a regular ballot, voters are only required to present their voter registration certificates to a poll worker. While this practice attempts to ensure that only registered voters receive a regular ballot on Election Day, it leaves a potential loophole for fraud. Individuals are not required to show identification to register to vote. Because of this, it is possible for an unscrupulous individual to submit several falsified voter registration applications and to receive the voter registration certificates for the "fake" individuals. With the current process, no statutory standards exist to verify the identity of individuals at the polling place when they present a voter registration certificate. H.B. 218 modifies provisions requiring a voter to present proof of identification when offering to vote.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 218 amends the Election Code by adding that on offering to vote, a voter must present to an election officer at the polling place, either one form of acceptable photo identification or two different forms of identification which are not required to contain a photo. If the voter's identity can be verified from the proof presented, and the voter complies with existing provisions relating to eligibility to vote, the bill requires that the voter be accepted for voting.

The bill provides that a person who fails to show either photo identification or two forms of identification which are not required to contain a photo maybe accepted to vote a provisional ballot only under Section 63.011 of the Election Code.

H.B. 218 modifies the list of acceptable forms of identification for the purposes of voting. The bill provides that the following are acceptable forms of photo identification:

- * driver's license or personal identification card issued by the Department of Public Safety (DPS) that has not expired or expired no earlier than two years before the date of presentation;
- * U.S. military identification card that contains the person's photograph;
- * Valid employee identification card containing the person's photograph and is issued by an employer of the person in the ordinary course of the employer's business;
- * U.S. citizenship certificate issued to the person that contains the person's photograph;
- * U.S. passport issued to the person;
- * student identification card issued by a public or private institution of higher education located in Texas that contains the person's photograph; or
- * License to carry a concealed handgun issued to the person by DPS.

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The bill provides that the following are acceptable forms of identification which are not required to contain a photo:

- * copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter;
- * official mail addressed to the person by name from a governmental entity;
- * certified copy of a birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity;
- * U.S. citizenship papers issued to the person;
- * original or certified copy of a person's marriage license or divorce decree;
- * court records of a person's adoption, name or sex change;
- * identification card issued by a governmental entity of this state or the United States for the purpose of obtaining public benefits, including veteran's benefits, Medicaid, or Medicare;
- * temporary driving permit issued to the person by DPS;
- * Pilot's license issued to the person by the Federal Aviation Administration or another authorized agency of the United States;
- * Library card, containing the person's name, issued to the person by a public library located in this state; or
- * hunting or fishing license issued to the person by the Parks and Wildlife Department.

The bill removes: driver's license or personal identification card issued by another state; any form of identification containing a person's photograph that establishes the person's identity; and any other form of identification prescribed by the secretary of state, from the list of acceptable identification.

H.B. 218 amends the Transportation Code by prohibiting DPS from collecting a fee for a personal identification certificate if the person applying for the certificate executes an affidavit stating that the person is financially unable to pay the required fee. In order for the fee to be waived, the bill requires that the person:

- * is a registered voter and present a valid registration certificate; or
- * is eligible for registration and submit a registration application.

EFFECTIVE DATE

September 1, 2007.

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